



**DEPARTMENT OF PERSONNEL**

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**MEMO PERD #19/98  
May 20, 1998**

**PERSONNEL COMMISSION MEETING  
MINUTES OF MARCH 20, 1998  
LAS VEGAS, NEVADA**

The agenda for this meeting was mailed to groups and individuals as requested.

**I. CALL TO ORDER**

The Personnel Commission was called to order at 9:35 a.m., March 20, 1998, at the City of North Las Vegas Council Chambers, 2200 Civic Center Drive, North Las Vegas. Members present: Ted Manos, Teo Gamboa, Victoria Riley, and James Skaggs. Member absent: Claudette Enus. Also present were: Sharon Murphy and Carol Thomas representing the Department of Personnel, and Jim Spencer, representing the Attorney General's office.

**II. ADOPTION OF AGENDA**

Commissioner Riley's motion to approve the agenda was seconded by Commissioner Gamboa and unanimously approved.

**III. MINUTES OF PREVIOUS MEETING**

Commissioner Skaggs' motion to approve the minutes of December 5, 1997, was seconded by Commissioner Riley and unanimously approved.

**IV. HEARINGS OFFICER RECRUITMENT**

The first item of business on the agenda was the Hearings Officer recruitment. Commissioner Manos explained the Department of Personnel contracted with the hearings officers in the northern and southern sections of the state to handle most administrative hearings. He asked for an explanation of which contracts were due

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to expire and the steps the Commission would be required to take. Sharon Murphy, Director, Department of Personnel, responded all four contracts were due to expire: Pat Dolen in the north, John Graves in the south, the primary hearings officers, and Dave Kladney in the north and David Robinson in the south, the alternates. The Hearings Officers had two year contracts.

Chairman Manos appointed a subcommittee consisting of Commissioner Riley, Commissioner Skaggs, and James Spencer from the Attorney General's office. The Department should proceed as it had in the past by properly noticing the contracts, informing the community at large that these contracts were expiring and a new recruitment was beginning, and referring the applications received to the subcommittee. The subcommittee would review the applications, select the best two or three applicants, and invite those individuals to address the Commission which would make the final selection.

Chairman Manos approved Mrs. Murphy's request to have Mary Ellen Komac, Supervisory Personnel Analyst, Department of Personnel, also serve on the subcommittee.

The Commission was not required to vote on Agenda Item IV.

**V. REGULATION CHANGES**

Section 2	NEW	"Rating of performance" defined.
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Commissioner Gamboa's motion to adopt the regulation change in Section 2 was seconded by Commissioner Skaggs and unanimously approved.

Section 3	NEW	Leave use options when receiving benefits for work related injury.
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Commissioner Skaggs asked if this would make up the difference between wages received from temporary total disability and a full paycheck, because it addressed the difference, not the full amount. Carol Thomas stated it would allow payment for all or part of the difference between the normal pay and benefits received. Commissioner Manos asked if additional language was needed for clarification. Phil Hauck, Department of Personnel, noted the last part of section 3 tied all four options together so that any option could be elected to make up the difference between the SIIS benefit and the normal salary.

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Commissioner Riley pointed out a typographical error in Section 3a; the word *series* should read *serious*.

Commissioner Skaggs asked if an employee on temporary total disability was automatically placed on FMLA leave. Carol Thomas responded "temporary-total" usually met the definition of FMLA, but there could be circumstances where it did not. Each agency would be responsible for the decision to place an employee on FMLA in conjunction with work related injuries.

Commissioner Riley's motion to adopt the regulation change in Section 3 was seconded by Commissioner Skaggs and unanimously approved.

Section 4      284.010      AMEND      Definitions.

Commissioner Gamboa's motion to adopt the regulation change in Section 4 was seconded by Commissioner Riley and unanimously approved.

Section 5      284.152      AMEND      Appeal of allocation of position or  
change in classification.

Commissioner Skaggs' motion to adopt the regulation change in Section 5 was seconded by Commissioner Riley and unanimously approved.

Section 6      284.194      AMEND      Granting or withholding of increase  
in salary based on merit.

Marilyn Yezek, Human Resources Manager, Department of Transportation, stated the department supported this regulation which is consistent with the traditional interpretation of NRS 284.340, Subsection 4. A recent EMC decision provided a different interpretation in which one section of an evaluation rated less than standard would trigger the need for a 90-day follow-up evaluation even though the overall evaluation was standard. It was her opinion the employee who received an overall standard or above rating should not be subject to 90-day follow-up evaluation or have their longevity payment jeopardized.

Commissioner Gamboa's motion to adopt the regulation change in Section 6 was seconded by Commissioner Skaggs and unanimously approved.

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Section 7      284.210      AMEND      Compensation for differentials in shifts.

Commissioner Skaggs' motion to adopt the regulation change in Section 7 was seconded by Commissioner Riley and unanimously approved.

Section 8      284.250      AMEND      Compensation for overtime.

Commissioner Skaggs asked if 240 hours was the maximum, or if there were any agencies who had higher comp time such as law enforcement and fire suppression personnel. Sharon Murphy responded 240 hours was correct.

Commissioner Riley's motion to adopt the regulation change in Section 8 was seconded by Commissioner Skaggs and unanimously approved.

Section 9      284.278      AMEND      Longevity pay: Applicable formulas.

Commissioner Skaggs' motion to adopt the regulation change in Section 9 was seconded by Commissioner Riley and unanimously approved.

Section 10      284.282      AMEND      Longevity pay: Computing payment under particular circumstances.

Commissioner Riley's motion to adopt the regulation change in Section 10 was seconded by Commissioner Skaggs and unanimously approved.

Section 11      284.470      AMEND      Preparation of reports

Commissioner Gamboa's motion to adopt the regulation change in Section 11 was seconded by Commissioner Riley and unanimously approved.

Section 12      284.524      AMEND      Workweeks and workdays; periods for rest and meals.

Commissioner Skaggs mentioned there had been court cases involving correctional personnel who were not relieved from their job and could not leave their workstation for meals. As a result, these employees had to be compensated for the time. Consequently, he questioned whether an amendment with respect to relieving the employee of his/her duties should be added. Chairman Manos asked if the subject was covered in another regulation. Commissioner Gamboa clarified

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employees are allowed to eat during a straight 8-hour shift, but cannot leave the guard tower. This is not counted as a meal break.

Commissioner Gamboa's motion to adopt the regulation change in Section 12 was seconded by Commissioner Skaggs and unanimously approved.

Section 13    284.5255    AMEND    Time sheets.

Commissioner Skaggs' motion to adopt the regulation change in Section 13 was seconded by Commissioner Riley and unanimously approved.

Section 14    284.538    AMEND    Annual leave: Long-term employees.

Commissioner Riley's motion to adopt the regulation change in Section 14 was seconded by Commissioner Skaggs and unanimously approved.

Section 15    284.539    AMEND    Annual leave: Authorized use; notice.

Commissioner Gamboa's motion to adopt the regulation change in Section 15 was seconded by Commissioner Riley and unanimously approved.

Section 16    284.5405    AMEND    Annual leave: Credit upon  
reinstatement, rehiring,  
reemployment or transfer.

Commissioner Skaggs' motion to adopt the regulation change in Section 16 was seconded by Commissioner Riley and unanimously approved.

Section 17    284.614    AMEND    Layoffs: Procedure.

Commissioner Riley's motion to adopt the regulation change in Section 17 was seconded by Commissioner Skaggs and unanimously approved.

Section 18    284.650    AMEND    Causes for disciplinary action.

Commissioner Skaggs asked if this addressed only the suspension of licenses, but not the granting or revoking of licenses and was any type of license issued in the State of Nevada included in the amendment? Sharon Murphy clarified that the section being amended dealt with causes for disciplinary action, the premise being these would be existing employees who were required, as a prerequisite of their

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jobs, to possess the licenses. Therefore, having the licenses suspended, revoked or canceled could lead to disciplinary action. Commissioner Skaggs asked if there was a section which covered license requirements for individuals under consideration for employment. Mrs. Murphy responded that the requirements were addressed in the minimum qualifications and special requirements of the job. These were communicated to the applicants on the job announcements.

Commissioner Skaggs' motion to adopt the regulation change in Section 18 was seconded by Commissioner Riley and unanimously approved.

Section 19	284.174	REPEAL	Eligibility for increase in salary based upon merit.
	284.251	REPEAL	Use of compensatory time to supplement benefits for temporary total disability.

Commissioner Riley's motion to adopt the regulation change in Section 19 was seconded by Commissioner Skaggs and unanimously approved.

**VI. CLASSES SUBJECT TO PRE-EMPLOYMENT SCREENING OF CONTROLLED SUBSTANCES**

Chairman Manos stated it was necessary for the Personnel Commission to approve the classes which would require pre-employment screening of controlled substances pursuant to NRS 284.4406. The Personnel Commission had previously approved all those categories listed under section 1 of the handout during the prior Commission meeting. The Department of Human Resources requested the following classes on the previously approved list be changed as follows:

(a) **Delete** from the list on page 2:

- (1) 11.351 Chief Compliance Investigator II
- (2) 11.354 Supervisory Compliance Investigator
- (3) 11.358 Compliance Investigator II

(b) **Add** to the list on page 2 of classes previously approved by the Commission:

- (1) 12.469 Substance Abuse Counselor Child and Family Services
- (2) 12.512 Correctional Sergeant MH/MR/Lakes Crossing

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| (3) | 12.513 | Sr. Correctional Sergeant | MH/MR/Lakes Crossing |
| (4) | 12.509 | Correctional Lieutenant   | MH/MR/Lakes Crossing |

Carol Thomas indicated the deleted and added positions were specific to the Department of Human Resources. Positions located in other departments were still subject to pre-employment testing. Chairman **Manos** asked if the deleted positions no longer existed within the Department of Human Resources. Phil Hauck stated the department had not indicated their reason for deleting the classifications. For the record, Chairman **Manos** explained the regulation allowed the individual department to determine which classes required pre-screening. The Personnel Commission did not make that determination, but approved or disapproved the request.

Commissioner Gamboa's motion to delete Chief Compliance Investigator **II**, Supervisory Compliance Investigator, and Compliance Investigator **II** as positions subject to pre-employment screening for controlled substance abuse prior to hiring in the Department of Human Resources was seconded by Commissioner Riley and unanimously approved.

Commissioner Riley's motion to add Substance Abuse Counselor, Correctional Sergeant, Senior Correctional Sergeant, and Correctional Lieutenant as positions which require pre-employment screening for controlled substance abuse in the Department of Human Resources was seconded by Commissioner Gamboa and unanimously approved.

Commissioner Skaggs' motion to approve the addition of new classes subject to pre-employment screening of controlled substances, as contained in the Item VI handout, and adding the position of Assistant Superintendent, Youth Facility in the Division of Child and Family Services, Department of Human Resources, was seconded by Commissioner Riley and unanimously approved.

## **VII. CLASSIFICATION APPEAL**

### **University of Nevada School of Medicine Denise Moots, Program Assistant IV**

Denise Moots, Program Assistant IV, University of Nevada School of Medicine, addressed the Personnel Commission regarding her classification appeal. As indicated in Dr. Thienhaus' letter to the Commission, her duties and responsibilities, as directed by him, are to manage the office and business functions

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for two out-patient mental health clinics and the Department of Psychiatry. She has been employed by the State for 16 years and is not aware of another Program Assistant IV with the same level of responsibility.

Ms. Moots felt the audit of her position was not accurate because the comparison positions did not have duties applicable to an out-patient mental health clinic. She believed her position is more complex because she is an executive assistant for the Department of Psychiatry and the administrator for the practice plan. While she restructured many areas within the department, the significant changes which occurred fell within the practice plan.

Before July 1996, there were no out-patient mental health clinics. There are now two, one in Reno and one in Las Vegas. Ms. Moots was hired in 1996, not only to replace the vacated position in the department, but to assist the Chairman with bringing together individual practitioners into one group practice. She developed the office by hiring and training staff to handle the financial responsibilities and designed the medical record room. She planned for a new computer network system by analyzing available trends, determining the least problematic system, and deciding how the network design would be handled. The system has been vital to the department to centralize the flow of documentation and provide security access for sensitive material. She designed and implemented the forms necessary to track patient demographics and service hours. She is also responsible for hiring and terminating employees.

The first clinic opened in July 1996, the second clinic opened in February 1998. The clinics are staffed by 27 clinicians who provide mental health services, 5 full-time unclassified employees, and 3 students. She also supervises the performance of contract vendors who provide program support in the areas of computer technician and billing services. In less than 2 years, 2,873 patients have been entered into their system in Reno, while the clientele at the Las Vegas clinic will increase dramatically as residents become aware of the services offered by the clinic.

She believes her job is not a typical Program Assistant IV position which provides technical support to assist professional staff in meeting their program responsibilities. Her program responsibilities have increased the level of responsibility and complexity beyond the class concept.

Ms. Moots feels her duties are the same as the Program Officer II at the Great Basin College in that she directs staff to handle the recruitment of professional and



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classified staff, processes documentation for hourly and student payroll, initiates the payroll documentation, and provides all secretarial support. She is not the chairman's secretary; another employee serves in that position under the supervision of the office manager. She is the liaison between the medical services providers, the hospital staff, legal counsel, and financial institutions for the department and the out-patient clinics. She trains and directs staff for both the department and the clinics to monitor financial documentation.

Ms. Moots also explained she meets 16 requirements of the Administrative Services Officer series concept. She is responsible for two budgets which must be planned, monitored and justified and, in addition, she must monitor the clinic accounts. Last year she handled the research and negotiations for the department's new NT Windows computer network system; she is currently developing plans to network the Las Vegas department with the Reno office. She has evaluated bids and/or negotiated contracts for the computer network system and out-patient medical billing services. She determines the allocation of building space, the need for renovation, and reviews independent contractors' proposals for such renovations. Aside from the university's inventory control system, she has developed and directed an internal system for staff to track capital investments such as furniture and equipment. She analyzes reports from the medical billing services and reviews tracking mechanisms to ensure the accuracy in patient registration. She reviews patient demographics, accounts receivables, and reports to the medical providers.

Chairman Manos asked why, in Ms. Moots' opinion, the responsibilities and duties of her position changed. Ms. Moots responded her predecessor tracked information and was not fully responsible for full operation of the system. Chairman Manos asked if and how the system changed. Ms. Moots responded it had changed because there now is a nonprofit corporation for the clinical practice to support the mission of the School of Medicine. Chairman Manos asked if the clinical practice did not previously exist. Ms. Moots responded the clinical practice was incorporated in 1994, but there was no on-site clinic.

Chairman Manos asked if she was just responsible for the hiring and firing of the clerical staff or did she have any responsibility with regard to clinicians. Ms. Moots' explained she had direct responsibility for clinical staff; she did not have the authority to approve or disapprove hiring or dismissing clinicians, but did provide input.

Chairman Manos asked if the clinicians were all doctors or other psychiatric social workers. Ms. Moots' responded the doctors were M.D. Psychiatrists,

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Psychologists, and one substance abuse counselor. Additional medical staff, such as nurses, would be added within the next year.

Ms. Moots explained she did not have direct authority over the clinicians, but she did have the authority to set up policies for a clinic and ensure those policies and procedures were properly followed. Chairman Manos asked if the procedures included instructions to the doctors concerning their duties and how they were to be performed. Ms. Moots stated she did not tell the doctors how to do anything clinical, but she did provide guidance concerning office procedures and related rules and regulations.

Chairman Manos asked about the standard caseload of the clinics. Ms. Moots responded the standard daily caseload was 20 per day in Reno. Additionally, Las Vegas had served 74 patients during the last month.

Ole J. Thienhaus, M.D., Chairman, Department of Psychiatry and Behavioral Sciences, addressed the Commission on Ms. Moots' behalf. Dr. Thienhaus explained prior to Ms. Moots' arrival in the department, the departmental operations were funded totally from legislative approved general fund allocations. Now, about 30 percent of their revenue was generated by patient fees, mainly in the public care sector. Ms. Moots and her staff were critical in implementing the system and she, under his supervision, had full administrative control over it. The position she currently holds is totally different from the one that had been previously occupied by her predecessor in 1993.

Chairman Manos asked if the money generated from the Reno and Las Vegas clinics reverted to the State or was reinvested in the department. Dr. Thienhaus responded that the vast majority of the money goes to salary support and was directed to the University of Nevada, Reno. A small portion of the money was kept on reserve to fund new programs and provide some contractual services, such as computer support. Because the department was a non-profit outfit, the money was used as retained earnings designated for clinician salaries. Chairman Manos asked how much money the department generated. Dr. Thienhaus responded the total revenue flow for the last fiscal year was \$500,000. Chairman Manos asked if the department expected great expansion in Las Vegas. Dr. Thienhaus responded affirmatively, and added the department's State budget was about \$1.3 million, so the revenue from the clinics was a substantial portion of the overall budget.

Chairman Manos then asked what Ms. Moots' responsibility was in directing the two clinics to increase patient flow and income. Dr. Thienhaus explained

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administrative management was employed, such as scheduling and allocating space and clerical staff, which was critical in the overall operation of programs. Ms. Moots' decisions regarding the scheduling of staff and providing support makes it possible for the employees to be more productive. Chairman Manos asked if another employee with equivalent duties as Ms. Moots' would be employed in the Las Vegas office. Dr. Thienhaus responded negatively; although there were office managers in Las Vegas and Reno, they both reported to Ms. Moots. There were not further questions for Dr. Thienhaus.

Mary Lou Phipps, Personnel Analyst II, University of Nevada, Reno, Business Center North, addressed the Commission in response to Ms. Moots' appeal. One of her responsibilities was to review individual reclassification requests for the University and Community College System of Nevada, Northern campuses, for significant change as mandated by the Nevada Administrative Code (NAC). The classification of a position is based upon the preponderance of time, type and level of a majority of the duties and responsibilities assigned.

Dr. Thienhaus' letter dated February 19, 1998, to Chairman Manos contends the analysis performed on Denise Moots' position inappropriately classified it in the Program Assistant series. He believes it should be reclassified to Program Officer II, or possibly at the Administrative Services Officer or Management Analyst levels.

Ms. Phipps provided background information on Ms. Moots' position as follows: The position was last reviewed in April 1995 and was reclassified from a Program Assistant III to a Program Assistant IV. The performance of very specialized technical administrative support duties and the higher level of complexity were the deciding factors.

The changes addressed in Ms. Moots' current reclassification request include providing program support to: the departmental and practice operations in Las Vegas; the newly formed practice corporation, University Mental Health Professionals, which links the department's north and south multi-speciality mental health professionals, and an on-site clinic. These duties, while new, represent a level of program support rather than program administration. Even with the changes within the organizational structure including the appointments of a Chief Operating Officer in the north and a Chief Business Officer in the south, Ms. Moots' overall level of responsibility remains at a support level. She reports to the Chief Officer who serves as second in command to the department head and who works directly with School of Medicine personnel associated with the practice corporation.

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Ms. Moots coordinates the objectives of the departmental practice with the larger school-wide corporation by serving as a liaison to ensure program and practice objectives are met. Based on program objectives, Ms. Moots continues to provide specialized program support through supervision of the clerical support staff to the Chairman in such areas as psychiatric and behavioral sciences, medical education, the residency program, and on-going continuing graduate medical education classes.

Positions established at the Program Assistant IV level perform specialized, technical, administrative, and supervisory duties, and support other programs. They independently make initial decisions for a comprehensive program following numerous and multifaceted guidelines. They coordinate overall program activities, assist client needs, initiate professional contact with other agencies, conduct special studies and research, develop procedures for carrying out the goals and objectives of the program and are expected to plan the sequence of detailed steps by using experience, judgement, and discretion. In addition, positions at the Program Assistant IV level perform in a paraprofessional manner, accomplishing some of the duties of a professional which usually require less formal training and/or experience.

Program Officer positions are distinguished from Program Assistant positions by the responsibility for administrating an entire program; performing administrative work; and planning, coordinating, and directing a comprehensive program or program function. They monitor operations through on-site visits and review reports and records to recommend and implement needed changes in methods, procedures, or operations of the programs. These positions have overall responsibility for the entire program. Program Officer positions clearly display a broader scope, higher level of reporting and program responsibility, independence, and consequence of error.

Ms. Phipps believed Ms. Moots performs at the Program Assistant IV level in supervising the staff and handling office procedures within the department. Currently there were many Management Assistant IV's at the Dean, Director, and Chairman levels who supervise, perform personnel functions, and monitor budgets including grants and self-supporting budgets. Those duties are also typical of Program Assistant IV level.

In conclusion, the Management Analyst conducts a variety of studies and researches analytical, management, and administrative concerns such as budgets and financial analysis. Clearly, Ms. Moots does not perform those duties. The Administrative Services Officers are responsible for a division or a department.

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In this case, the division would be UNR and the department would be UCCSN. Ms. Moots does not function at that level.

There being no questions or discussions regarding Ms. Moots' appeal, Chairman Manos called for a motion.

Commissioner Gamboa's motion to approve Ms. Moots' appeal for reclassification from Program Assistant IV to Program Officer II was seconded by Commissioner Skaggs, and unanimously approved.

**VIII. UNCONTESTED CLASSIFICATION ACTION REPORT**

No vote required.

**IX. SELECTIVE CERTIFICATION**

No vote required.

**X. SPECIAL REPORTS**

There were no special reports.

**XI. COMMENTS BY THE GENERAL PUBLIC**

There were no comments by the general public.

**XII. SELECT DATE FOR NEXT MEETING**

The next meeting of the Personnel Commission will be June 11 and 12, 1998, in Carson City, Nevada.

**XIII. ADJOURNMENT**

The Personnel Commission was adjourned at 11:00 a.m.

Copies of the agenda and tape recording are available at the Department of Personnel, 209 East Musser Street, Room 101, Carson City, Nevada 89701-4204, upon request.